IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.21800, 22241, 22359, 22638, 22639, 22753, 22755, 22759, 22761, 22763, 22957, 23067, 23071, 23916, 23418, 23382, 22307, 23518, 22807 & 24051 of 2006

Dated: November 30, 2006

Writ Petition No.21800 of 2006

Vardhaman College of Engineering (Approved by AICTE & Affiliated by JNTU) Kacharam village, Shamshabad Mandal, R.R. District., rep. by its Chairman Sri P. Manmohan Reddy.

… Petitioner

And

The Convenor, ICET-2006 (Admissions), Center for Distance Education, Osmania University, Hyderabad, and another.

… Respondents

Common Order:

As common questions of fact and law arise for consideration in all these cases, they are heard together and are being disposed of by

this common order.

2. Petitioners are colleges approved by All-India Council for Technical Education (AICTE) to impart education in Master of Business Administration and Master of Computer Application courses. The competent authority has fixed the intake capacity under the provisions of the All-India Council for Technical Education Act, 1987 ('the Act' for brevity) and consequently State of Andhra Pradesh has issued orders permitting the petitioners to run the said courses. Admissions to M.B.A. and M.C.A. courses are governed by the statutory rules framed as per G.O.Ms.No.46 dated 05-07-2003, in exercise of powers under Sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983. For the academic year 2006-07, the Convenor ICET-2006 has conducted Integrated Common Entrance Test (ICET) for allotting candidates to various colleges, including petitioners. Pursuant thereto, the Convenor allotted 80% seats which are called 'A category seats' (Convenor quota) and 20% seats which are called 'B category seats' (Management quota) that were to be filled by the respective Managements. After admissions were made to fill up unfilled vacant seats in Convenor quota and also the seats, which have fallen vacant on account of

cancellation, the Convenor ICET-2006 addressed Letter No.ICET-2006/ADMNS/CONVENOR/06, dated 20-09-2006, to the Principals of petitioner-colleges to issue notifications to fill up leftover vacant seats/cancelled seats at institution level. To fill up such vacancies, he has notified the schedule, as per which the last date for making admissions was 30-09-2006 and the last date for submitting lists was 07-10-2006.

3. In this batch of cases, there was a few days delay either in making admissions or in submitting lists of admitted candidates to the competent authority. It is the case of the petitioners that as they have not received the communication dated 20-09-2006 within time, as such delay has occurred.

4. Heard Sri V. Tulasi Reddy, Sri S. Niranjan Reddy and Sri K. Venkatesh, learned counsel for petitioners and Sri Deepak Bhattacharjee and Sri C. Sudesh Anand, learned Standing Counsel, appearing for the respondents.

5. On the other hand, in the counter affidavit filed by the respondents, it is stated that as per the schedule notified, last date for admissions was 30-09-2006 and the last date for submission of lists of admitted candidates was 07-10-2006; as much as petitioners have violated the said schedule, they are not entitled for the relief sought for in the Writ Petition.

6. In this case, it is not in dispute that all the petitioners have admitted the students either in M.B.A. or M.C.A courses, adhering to the intake capacity fixed by the competent authority. The admissions which are now made are institutional spot admissions as per the instructions issued by the Convener, vide letter dated 20-09-2006. Whereas, it is the case of the petitioners that they did not receive the said communication well in advance and in spite of taking expeditious steps, they could not complete the process. It is stated that in some cases, due to intervening public holidays, admissions were made on the next working day, however, as there was delay in submitting the lists, respondents did not accept the said lists.

7. Technically, there is a violation of schedule of dates notified by

the respondent authorities for completing admissions. In all these cases, a few days delay occurred either in making admissions or in submitting the lists. However, in majority of cases, admissions were made within time, but lists could not be submitted before the last date notified for submission of lists. Even after making admissions in institutional spot admissions, nearly more than two months period of study is over and the students who are admitted in the said vacancies are pursuing their respective courses. As much as students have already been admitted and pursuing their courses, in case their admissions are not approved by the competent authority, it will affect their careers who have

bona fidely taken admission in the institutional spot admissions and pursuing their courses. Keeping in mind the ultimate interest of the students who are admitted in these vacancies, I deem it appropriate to dispose of the Writ Petitions directing the respondents to approve the lists of candidates submitted by the petitioners and allow them to pursue their courses, provided they are otherwise qualified and are admitted within the intake capacity as fixed by the AICTE. However, petitioners shall file written undertakings within a period of two weeks from the date of this order before the respondents to the effect that they will abide by the academic schedule for making admissions for the next academic year. It is also made clear that if there is any violation of the academic schedule by the petitioner-colleges in future, it is open for the respondents to take appropriate steps to disaffiliate such of the Managements which do not adhere to the admission schedule notified by the competent authority.

8. The Writ Petitions are accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 30, 2006
MRR